

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

JAMES EDWARD STRUCK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-15-48-D
	)	
MIKE ARNOLD, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

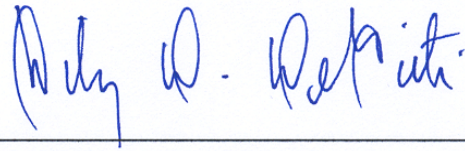
Before the Court is the Report and Recommendation issued by United States Magistrate Judge Charles B. Goodwin pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Goodwin recommends that Plaintiff's action be dismissed without prejudice for failure to prosecute. Plaintiff has neither filed a timely objection to the Report nor requested additional time to object, despite written notice of his right to object. Therefore, Plaintiff has waived further review of the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).<sup>1</sup>

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 8] is adopted in its entirety. The action is dismissed without prejudice to refiling. A separate judgment of dismissal shall be entered.

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<sup>1</sup> The case record reflects that the copy of the Report mailed to Plaintiff at his address of record was returned as undeliverable. However, this circumstance does not warrant an exception to the court of appeals' "firm waiver rule" because Plaintiff was responsible for giving notice of a change of address. *See Theede v. United States Dep't of Labor*, 172 F.3d 1262, 1267-68 (10th Cir. 1999); *see also* LCvR5.4(a).

IT IS SO ORDERED this 11<sup>th</sup> day of May, 2015.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE